



ADMINISTRATION AND  
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE  
1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT  
GENERAL SERVICES ADMINISTRATION

SUBJECT: Panel Charter Consultation – *Board of Visitors for the Western Hemisphere Institute for Security Cooperation*

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972, as amended, intends to renew the charter for the *Board of Visitors for the Western Hemisphere Institute for Security Cooperation* (attached). The Board will operate under the provisions of the Federal Advisory Committee Act of 1972, as amended and in accordance with 41 CFR § 102-3.50.

Prior to filing the Board's charter renewal with the Library of Congress and the appropriate congressional committees the Department of Defense respectively requests that the Committee Management Secretariat review and approve the proposed charter (attached). The proposed charter renewal has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

If you should have any questions about this charter please contact my point of contact, Betty Mosher at 703-697-4555.

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James D. Freeman II  
Advisory Committee Management  
Officer for the Department of Defense

Attachments  
Proposed Charter

CHARTER  
BOARD OF VISITORS FOR THE WESTERN HEMISPHERE INSTITUTE FOR  
SECURITY COOPERATION

1. Committee's Official Designation: The Committee will be known as the Board of Visitors for the Western Hemisphere Institute for Security Cooperation ("the Board").
2. Authority: The Secretary of Defense, pursuant to 10 U.S.C § 2166(e) and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Board.
3. Objectives and Scope of Activities: The Board, through the Secretary of the Army, shall provide the Secretary of Defense and the Deputy Secretary of Defense with independent advice and recommendations on matters pertaining to the operations and management of the Western Hemisphere Institute for Security Cooperation ("the Institute"), as set out in paragraph four, below.
4. Description of Duties: The Board shall:
  - a. Inquire into the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Institute; other matters relating to the Institute that the Board decides to consider; and any other matter that the Secretary of Defense determines appropriate.
  - b. Review the curriculum to determine whether it adheres to current U.S. doctrine, complies with applicable U.S. laws and regulations, and is consistent with U.S. policy goals toward Latin America and the Caribbean.
  - c. Determine whether the instruction under the curriculum of the Institute appropriately emphasizes human rights, the rule of law, due process, civilian control of the military, and the role of the military in a democratic society.

The Board shall, not later than 60 days after its annual meeting, submit to the Secretary of Defense a written report of its activities and of its views and recommendation pertaining to the Institute.

5. Agency or Official to Whom the Committee Reports: The Board shall report to the Secretary of Defense and the Deputy Secretary of Defense, through the Secretary of the Army. The Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Army may act upon the Panel's advice and recommendations.
6. Support: The Department of Defense (DoD), through the Secretary of the Army, shall provide support, as deemed necessary, for the performance of the Board's functions and shall ensure compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended) ("the Sunshine Act"), governing Federal statutes and regulations, and established DoD policies and procedures.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contract support, is approximately \$115,000. The estimated annual personnel cost to the DoD is .8 full-time equivalents.

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8. Designated Federal Officer: The Board's Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee and shall be appointed, pursuant to governing DoD policies and procedures.

The Board's DFO is required to be in attendance at all meetings of the Board and any subcommittees for the entire duration of each and every meeting. However, in the absence of the Board's DFO, a properly approved Alternate DFO, duly appointed to the Board according to established DoD policies and procedures, shall attend the entire duration of all meetings of the Board and any subcommittees.

The DFO, or the Alternate DFO, shall call all meetings of the Board and its subcommittees; prepare and approve all meeting agendas; and adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

9. Estimated Number and Frequency of Meetings: The Board shall meet at the call of the Board's DFO, in consultation with the Board's Chair. The estimated number of Board meetings is at least one per year.
10. Duration: The need for this advisory function is on a continuing basis; however, this charter is subject to renewal every two years.
11. Termination: The Board shall terminate upon rescission of 10 U.S.C. § 2166(e).
12. Membership and Designation: The Board shall be comprised of 14 members, six of whom are designated by the Secretary of Defense, including, to the extent practicable, persons from academia, religious institutions, and human rights communities. The Secretary of Defense shall also affirm the appointments, designated in statute, of the senior military officer responsible for training and doctrine in the U.S. Army (or designee) and the commanders of the combatant commands with geographic responsibility for the Western Hemisphere (U.S. Northern Command and U.S. Southern Command) (or the designees of those officers). The Board shall also be comprised of:
- a. Two Members of the Senate (the Chair and Ranking Member of the Armed Services Committee or a designee of either of them);
  - b. Two Members of the House of Representatives (the Chair and Ranking Member of the Armed Services Committee or a designee of either of them); and
  - c. One person designated by the Secretary of State.

Those individuals, whose appointments to the Board will be designated or affirmed by the Secretary of Defense or Deputy Secretary of Defense, will be appointed for a term of service of one-to-four years, and their appointments will be renewed on an annual basis pursuant to DoD policies and procedures. None of these members, unless authorized by the Secretary of Defense or the Deputy Secretary of Defense, may serve more than two consecutive terms of service on the Board, to include its subcommittees. Board members, who are not full-time or permanent part-time federal employees, shall be appointed as experts or consultants, pursuant to 5 U.S.C. § 3109, to serve as special government

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employee (SGE) members. Those individuals serving on the Board who are full-time or permanent part-time Federal employees shall be appointed to serve as regular government employee (RGE) members, pursuant to 41 C.F.R. § 102-3.130(a). All members of the Board are appointed to provide advice to of the Government on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

The Secretary of Defense, in consultation with the Secretary of the Army, shall appoint the Board's Chair from the total membership.

The Secretary of the Army, at the request of the Board and with the approval of the Secretary of Defense or Deputy Secretary of Defense, may appoint non-voting subject matter experts or consultants to assist the Board or its subcommittees on an ad hoc basis. These non-voting subject matter experts or consultants are not members of the Board or its subcommittees, will not engage or participate in any deliberations by the Board or its subcommittees, and do not have the ability to vote as members of the Board or its subcommittees. These non-voting subject matter experts or consultants, if not full-time or permanent part-time federal employees, will be appointed as experts and consultants, pursuant to 5 U.S.C. § 3109, to serve as SGEs, whose appointments must be renewed on an annual basis. Those individuals who are full-time or permanent part-time federal employees shall be appointed to serve as RGE non-voting subject matter experts or consultants. With the exception of reimbursement of official Board travel and per diem, Board members and any non-voting experts or consultants shall serve without compensation.

13. Subcommittees: The Department, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Army, as the Board's Sponsor.

Such subcommittees shall not work independently of the chartered Board, and shall report all of their recommendations and advice solely to the Board for full and open deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Board. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Board, directly to the DoD or any Federal officers or employees.

The Board shall establish and maintain two permanent subcommittees, whose members shall be comprised of individuals with professional experience in academia, religious institutions, and human rights communities. Each subcommittee shall be comprised of no more than eight members.

- a. Subcommittee on Education: Provides independent advice and recommendations for the Board's consideration on the Institute's curriculum and the current challenges faced by our international partners' government, military, and law

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enforcement agencies, to determine if new topics should be considered for inclusion; also makes recommendations on adjustments to the curriculum or courses that are no longer applicable.

- b. Subcommittee on Outreach: Provides independent advice and recommendations for the Board's consideration on developing an outreach plan of action to strengthen support for the Institute among influential officials from our international partners to increase student and instructor attendance and encourage burden sharing; strengthen support for the Institute from key U.S. military, civilian, governmental and interagency personnel to sustain funding levels and expand the Institute's role; and develop a outreach plan to identify new partner nations that may be interested in sending students, instructors, guest lectures, or liaison officers to the Institute.

The Secretary of Defense or the Deputy Secretary of Defense will appoint subcommittee members to a term of service of one-to-four years, with annual renewals, even if the member in question is already a member of the Board. Subcommittee members shall not serve more than two consecutive terms of service, unless authorized by the Secretary of Defense or the Deputy Secretary of Defense.

Subcommittee members, if not full-time or permanent part-time federal employees, will be appointed as experts or consultants, pursuant to 5 U.S.C. § 3109, to serve as SGE members. Those individuals who are full-time or permanent part-time Federal employees shall be appointed to serve as RGE members, pursuant to 41 C.F.R § 102-3.130(a). All subcommittee members are appointed to provide advice for the Board's consideration to the Government on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. With the exception of reimbursement of official travel and per diem, subcommittee members shall serve without compensation

All subcommittees operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

- 14. Recordkeeping: The records of the Board and its subcommittees shall be handled according to section 2, General Records Schedule 26, and governing DoD policies and procedures. These records will be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).

- 15. Filing Date:

Membership Balance Plan  
Board of Visitors for the Western Hemisphere Institute for Security Cooperation

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to 10 U.S.C. § 2166(e) and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Board of Visitors for the Western Hemisphere Institute for Security Cooperation (“the Board”).
2. Mission/Function: The Board, under the provisions of 10 U.S.C. § 2166(e) and FACA, shall provide independent advice and recommendations to the Secretary of Defense and the Deputy Secretary of Defense, through the Secretary of the Army, on matters pertaining to the operations and management of the Western Hemisphere Institute for Security Cooperation (“the Institute”) and shall:
  - a. Inquire into the curriculum instruction, physical equipment, fiscal affairs, and academic methods of the Institute; other matters relating to the Institute that the Board decides to consider; and any other matter that the Secretary of Defense determines appropriate.
  - b. Review the curriculum to determine whether it adheres to current U.S. doctrine, complies with applicable U.S. laws and regulations, and is consistent with U.S. policy goals toward Latin America and the Caribbean.
  - c. Determine whether the instruction under the curriculum of the Institute appropriately emphasizes human rights, the rule of law, due process, civilian control of the military, and the role of the military in a democratic society.

The Board shall, not later than 60 days after its annual meeting, submit to the Secretary of Defense a written report of its activities and of its views and recommendation pertaining to the Institute.

3. Points of View: The Board shall be comprised of 14 members; six of whom will, to the extent practicable, have professional experience in academia, religious institutions, and human rights communities. The remaining members, pursuant to 10 U.S.C. § 2166(e), shall include the following regular government employee (RGE) members:
  - a. Two Members of the Senate (the Chair and Ranking Member of the Armed Services Committee or a designee of either of them);
  - b. Two Members of the House of Representatives (the Chair and Ranking Member of the Armed Services Committee or a designee of either of them);
  - c. One person designated by the Secretary of State;
  - d. The senior military officer responsible for training and doctrine in the U.S. Army (or designee); and
  - e. The Combatant Commanders with geographic responsibility for the Western Hemisphere (U.S. Northern and Southern Command) (or the designees of those officers).

Board members designated or affirmed by the Secretary of Defense or the Deputy Secretary of Defense, who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts and consultants under the authority of 5 U.S.C. § 3109 to serve as special government employee (SGE) members. Those individuals who are full-time or permanent part-time Federal employees shall be appointed as RGE members. All members designated or affirmed by the Secretary of Defense or the Deputy Secretary of Defense will be renewed on an annual basis in accordance with DoD policies and procedures.

## Membership Balance Plan

Board of Visitors for the Western Hemisphere Institute for Security Cooperation  
The DoD, in selecting potential candidates for the Board, reviews the educational and professional credentials of individuals and bases its selection on this review and the subject matters being handled by the Board. The Department has found that viewing the complex issues facing the Institute through a multi-disciplinary advisory committee, provides the Department and, more importantly, the American public with a broader understanding of the issues on which to base subsequent policy decisions.

The Board's membership is not static, and the Secretary of Defense may change those member appointments over which he has discretion based upon work assigned to the Board by the Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Army, as the Board's Sponsor. The Department, unless otherwise instructed by an Act of Congress or Presidential directive, does not use representative members on DoD-established or supported advisory committees.

4. Other Balance Factors: N/A
5. Candidate Identification Process: DoD, in selecting its six potential candidates for the Board, reviews the educational and professional credentials of individuals with extensive professional experience in the areas of academia, religion, and human rights. Potential candidates are identified by the Board's professional staff and current or departing Board members.

Prior to nominating the potential candidates, the list of candidates will undergo a review by the Office of General Counsel of the Department of Defense and the Office of the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements, including compliance with the Board's charter and membership balance plan. Following this review, the Secretary of the Army formally nominates the potential candidates to the Secretary of Defense or the Deputy Secretary of Defense for approval. Pursuant to DoD policy, only the Secretary of Defense or the Deputy Secretary of Defense can invite or approve the appointment of individuals to serve on DoD-established or supported advisory committees and subcommittees, unless otherwise dictated by statute or presidential directive.

Following approval by the Secretary of Defense or the Deputy Secretary of Defense, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members who are appointed as SGE members.

Those individuals who are designated or affirmed by the Secretary of Defense or the Deputy Secretary of Defense, will serve as members to the Board for one-to-four year terms of service, with annual renewals. However, none of these individuals, unless authorized by the Secretary of Defense or the Deputy Secretary of Defense, may serve more than two consecutive terms of service on the Board, to include its subcommittees.

Membership vacancies for the Board and its subcommittees will be filled in the same manner as described in the previous four paragraphs above.

6. Subcommittee Balance: The Department, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board. The Board shall establish and maintain two permanent subcommittees, the Subcommittee on Education and the Subcommittee on Outreach, whose members will have professional experience in academia, religious institutions, and human rights communities. Each

## Membership Balance Plan

Board of Visitors for the Western Hemisphere Institute for Security Cooperation  
subcommittee shall be comprised of no more than eight members

The Secretary of Defense or the Deputy Secretary of Defense shall approve the appointment of subcommittee members to a one-to-four year term of service, with annual renewals. Individuals considered for appointment to any subcommittee of the Board may come from the Board itself or from new nominees, as recommended by the Secretary of the Army and based upon the subject matters under consideration, but they must be approved by the Secretary of Defense or the Deputy Secretary of Defense before participating in any subcommittee work.

Subcommittee members, who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts and consultants, pursuant to 5 U.S.C. § 3109, to serve as SGE members. Individuals who are full-time or permanent part-time Federal officers or employees shall be appointed as RGE members, pursuant to 41 C.F.R. § 102-3.130(a). No subcommittee member may serve more than two consecutive terms of service without Secretary of Defense or Deputy Secretary of Defense approval,.

7. Other: As nominees are considered for appointment to the Board, the DoD adheres to the rules and regulations issued by the Office of Management and Budget's Final Guidance on Appointment of Lobbyists to Federal Boards and Commissions (76 FR 61756; October 5, 2011) and the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared: